

CONGRESSIONAL RECORD — HOUSE

1877

1964

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Brock	Jensen	O'Hara, Mich.
Davis, Tenn.	Johnson, Calif.	Pepper
Evins	Karsh	Powell
Fogarty	Miller, N.Y.	St. George
Gialmo	Morse	Thompson, Tex.
Hoffman	O'Brien, Ill.	Utt

The SPEAKER. On this rollcall 412 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

**EXERCISE OF DISCRETIONARY PAROLE AUTHORITY UNDER IMMIGRATION ACT**

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I take this occasion to announce the report of hearings by the Subcommittee on Immigration and Nationality of the Judiciary Committee on the administrative exercise of discretionary parole authority is now available for interested Members.

This is an important public document. It takes up the legal issues involved in the public controversy which surrounded the admission by parole into the United States of the so-called Russian old believers who are in fact Turkish citizens of Russian ethnic origin. The scope of the subcommittee inquiry included use of the discretionary parole authority to meet clear and unquestioned international emergencies, individual hardship cases and the highly questionable use of that authority to bring about the admission of the so-called Russian old believers.

At issue were the clear requirements of law as well as the equally clear congressional intent thereon. Whether one likes or dislikes, agrees or disagrees with the letter and clear congressional intent of the particular provision of law at issue is irrelevant. What is relevant is whether the law is faithfully and judiciously administered. That relevancy will apply so long as section 212(a) (5) remains on the statute book and the clear congressional intent thereon remains unchanged.

Members are aware of the growing tendency to legislate by administrative determinations within the executive branch of Government. This tendency is pronounced in situations where a particular law may lack clarity and preciseness or where Congress may have felt it unnecessary to express its particular intent thereon. But when that practice is applied to a statute which lacks neither clarity nor preciseness and on which a long experience has firmed up the clear congressional intent thereon—it is time for Congress to step in and call a halt.

That is what the Subcommittee on Immigration and Nationality has done

through the hearings to which I have referred and which are now available to Members in the report released today.

I commend the reading of this report to all who are interested in our immigration laws and an immigration policy which accords with the highest ideals of our country.

**CIVIL RIGHTS ACT OF 1963**

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the State of the Union for the further consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The motion was agreed to.

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7152, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Are there further amendments to title II?

Mr. CHELF. Mr. Chairman, I have been deliberately misquoted, misrepresented, misinterpreted, and severely damaged by the wanton and false use of certain erroneous information that was contained in a newspaper article that attacked me as a Member of this body. It was, in my opinion, an ingenious and masterful job of taking words out of the context of last Saturday's speech that I made on civil rights.

Mr. Chairman, count 1 of my indictment. The Louisville Courier-Journal on Saturday, February 1, ran a news story that stated, among other things, that Representatives STUBBLEFIELD and CHELF had said that they were going to listen to the civil rights debate before they would decide how to vote. The concluding line went on to slyly state that neither of us were seen on the House floor when the debate began.

Mr. Chairman, for the information of the Washington Bureau of the Louisville Courier-Journal, both the gentleman from the First District of Kentucky, Representative STUBBLEFIELD, and the Representative from the Fourth District of Kentucky, were present and on the floor at the time in question. Only a few minutes before the start of the debate on civil rights, both Representative STUBBLEFIELD and myself had answered our name on a quorum call. The CONGRESSIONAL RECORD rollcall No. 22 says emphatically that we were present and we most categorically state that we were present. Inasmuch as a court of justice can speak only from its record in a case—so it is with the Congress. We too

are bound by the RECORD. Yes, our CONGRESSIONAL RECORD. So we say we were here, the RECORD says we were here, and we were here, if it is any news to them.

Mr. Chairman, I have held elective office for 30 years and during that time I have never knowingly or wittingly lied to a newspaperman or anybody else, and, by the same token, no newspaperman has ever treated me in the manner in which one of the most recent additions to the Washington Courier-Journal staff has done. I could say that he is a consummate liar, a revolving liar, a chronic liar, a cheap liar or a "lantern carrying" liar, but I shall be far more charitable than he. I shall not call him any of these names.

Mr. Chairman, if the reporter who wrote this article about me had been as interested in writing the truth and the facts as he was in trying to disembowel and dismember me, he would have checked his story more carefully.

Had he done so he would have found that the first two paragraphs of my civil rights speech I made on last Saturday, February 1, 1964, referred specifically to the 1957 civil rights speech that I made on that particular bill. But no—this reporter wanted blood and now he has it, but I am here to tell you it is his that will be let and not mine.

Mr. Chairman, it is well for all of us here to remember that this reporter works for the same newspaper, the Louisville Courier-Journal, that employed the famous Carl Braden, a nationally known card-carrying, dues-paying, active Communist on their payroll, even while and during the time that he was being tried and later convicted, fined and sentenced for Communist activities in the State of Kentucky. However, much to the shock, chagrin and consternation of all Kentuckians, this same Carl Braden was later released from custody if you please, by the now famous and notorious decision of the Supreme Court that literally allows men of his stripe and caliber to go free.

Mr. Chairman, count No. 2 of my indictment of the Louisville Courier-Journal and its Washington bureau is far worse than count No. 1, which I cited a moment ago. On February 4, 1964, this same newspaper ran a story in which it stated, and I quote:

Kentucky Representative FRANK CHELF has joined southern Democrats in Congress against the administration's civil rights bill.

They went on to quote me as saying:

I am against everything in it [the civil rights bill] in its present form, the Lebanon Democrat declared yesterday—it is an awful bill. I hadn't realized before how bad it is.

The article went on to say:

His statements came as something of a surprise. As a senior member on the House Judiciary Committee, CHELF is one of the official authors of the bill. He signed the committee report recommending that the House pass it.

Mr. Chairman, then this vicious newspaper article went on to add:

CHELF had indicated previously that he signed the report primarily as a favor to the late President John F. Kennedy and that he might seek some amendments. But he had not indicated until yesterday he had not read

1878

## CONGRESSIONAL RECORD — HOUSE

February 5

the bill before signing it or that he was totally opposed to it in the form the committee approved. On Friday, **CHSELF** said he was undecided on how he would vote. On Saturday he took the floor in the House and delivered his speech on the place of the Negro in American society.

The balance of this news story, while slanted in its attempt to quote facts, then began to editorialize by saying:

**CHSELF** told the House he had reached those conclusions partly through the help of research material prepared by Lloyd Wright and John C. Satterfield, both former presidents of the American Bar Association. Satterfield is the principal organizer of the Coordinating Committee for Fundamental American Freedom, a States rights lobby that is fighting the bill. The committee is largely financed by the State government of Mississippi.

Now, Mr. Chairman, in answer to this malicious, maligning, maneuvering, and manipulating newspaper montrosity, this "nit-nilly" bred to Hazel's "doosey"—let me state emphatically and categorically that:

First, I did not "as a senior member of the House Judiciary" know what was in this 1963-64 civil rights bill.

Second, I was not on the subcommittee that held hearings on this legislation, that held forth for 6 months.

Third, I deny that I was "one of the official authors of the bill."

Fourth, I also deny completely that I "signed the committee report recommending that the House pass it."

Fifth, Fact of the matter is, Mr. Chairman, I did not sign any reports pertaining to this bill—either the majority, minority, or the several individual reports that were made by individual members. I did not sign anything about anybody at any time while and during the time that this legislation was before, around, under, above, near or passing through our committee in 1963 or 1964.

Frankly, I was invited to join both the majority and the minority to sign their reports on the subject but not having had an opportunity to sit during the 6 months' hearings with Subcommittee No. 5 that handled the bill in 1963, and having promised President Kennedy to help get the so-called Celler version out of the committee, I voted reluctantly for it because I had no chance whatsoever, nor did anyone else in the committee, to make a thorough study of the bill which was introduced by the gentleman from New York [Mr. **CELLER**] as a substitute bill on October 29, 1963.

Mr. Chairman, I could go on at quite some length refuting these deliberate misrepresentations, innuendoes, and circumventions of the facts, but suffice it to say that I am not against the "whole civil rights bill" as such. All this reporter had to do, if he wanted to be honest, was to have read my speech a little more carefully and he would have found that I stated among other things therein:

I want it abundantly clear that I am for the right to vote, the right to obtain a decent education, the right to secure and maintain a good paying job—provided, of course, the person is qualified—for all of our citizens no matter who they may be or where they come from. It is my considered judgment that, to a certain extent improvements

should be made in our so-called public accommodations. However, I would advise that such a sensitive matter should not be hastily covered by Federal law, proclamation, court decision or an executive order.

The **CHAIRMAN**. The time of the gentleman from Kentucky has expired. By unanimous consent Mr. **CHSELF** was allowed to proceed for 5 additional minutes.

Mr. **CHSELF**. You are very kind and I sincerely appreciate your generosity.

This may happen to you someday my colleagues, but I hope and pray that it does not.

Continuing further I said:

I believe we should proceed with the utmost caution when we approach the doors of a privately owned business of any caliber. Let me make a comment about some of these big department stores \* \* \* If they advertise \* \* \* any items for sale and the colored customer's money is good enough for these purchases—then I am here to tell you that that same colored person's money is good enough to entitle him to go into their restaurant, if there is one, and to sit down and enjoy himself. These big outfits and department stores cannot take his money for one thing and deny him the right to use their restaurant or other facilities of their grounds or buildings.

Mr. Chairman, it is quite apparent, therefore, from the above quote that the reporter who wrote the story intended to play me up as a rabble-rousing illiterate racist. For instance, he did not quote that section of my speech on last Saturday, February 1, in which I said:

With these facts in your possession, I believe that you will agree that I have tried to be moderate, reasonable and considerate not only last year, but in 1960 and as far back as 1957, when the first civil rights bill was enacted.

The statements lifted out of context were calculated to be detrimental to me instead of presenting a fair, just, reasonable, considerate and moderate opinion.

His story is not so much a reflection on me as it is on the good people I have the honor and privilege to represent from the Fourth Congressional District of Kentucky. When they jump on me I do not care—but when they jump on my people I do not like it.

In conclusion, Mr. Chairman, I would like very much to ask my dear friend and colleague, the chairman of the Judiciary Committee, to answer several questions and I hereby yield to the gentleman from New York [Mr. **CELLER**] for that purpose.

Mr. **CELLER**, was I a coauthor or one of the official authors of this civil rights bill of 1963-64?

Mr. **CELLER**. No; you were not.

Mr. **CHSELF**. Mr. **CELLER**, did I or did I not sign any official report pertaining to this 1963-64 civil rights legislation, either for the majority or the minority?

Mr. **CELLER**. No; you did not.

Mr. **CHSELF**. Mr. **CELLER**, did I or did I not, in your presence, in the Cabinet Room of the White House, on October 28, 1963, 3 weeks before the fatal slaying of our beloved President, John F. Kennedy, promise him that I would help him to get out a civil rights bill from our Judiciary Committee?

Mr. **CELLER**. Yes; you surely did.

Mr. **CHSELF**. Mr. **CELLER**, did I or did I not on Tuesday, October 29, 1963, vote with you and the majority of our Judiciary Committee to substitute the bill that is presently before the House in lieu of one that was reported out to the full Judiciary Committee by Subcommittee No. 5?

Mr. **CELLER**. Yes.

Mr. **CHSELF**. Mr. **CELLER**, did I or did I not say, in your presence, to our late friend and President, John F. Kennedy, that while I would give him my support in getting a civil rights bill out of our committee, I reserved the right to vote for any amendments to it that I thought might be helpful to make the bill a better one?

Mr. **CELLER**. You certainly did.

Mr. **CHSELF**. Mr. **CELLER**, knowing the facts in the case as you do, would you agree that I have honored my commitment to fulfill my solemn promise to our martyred President?

Mr. **CELLER**. I recognize the gentleman from Kentucky [Mr. **CHSELF**] as a very conscientious and dedicated servant.

Mr. **CHSELF**. I appreciate the gentleman's statement very much.

Mr. Chairman, it is interesting to know that the reporter who dreamed up this nightmare was not here in the Press Gallery on Saturday, February 1, 1964. Not only was he not here on the job, but he did not even know that I had made a speech until he was told via telephone by a member of the Kentucky delegation.

In conclusion, Mr. Chairman, just let me add that the data, information, and research matter quoted by me on February 1, 1964, and which included the names of Messrs. Satterfield and Wright, former presidents of the American Bar Association, came from the Library of Congress. It developed that several Members of Congress had secured research material pertaining to both sides of the issue—hence my possession of it.

I think that I can speak for my Kentucky colleagues because they, too, resent this attack on me, for we have had nothing but trouble and double trouble since a certain man has been added to the Washington Bureau of the Louisville Courier Journal.

Mr. Chairman, in view of the circumstances it is to be hoped that the Louisville Courier Journal will retract this libelous story, plus offer an apology and then will print the full text of the last Saturday's, February 1, 1964, speech. A newspaper with real class will do so.

AMENDMENT OFFERED BY MR. GOODELL

Mr. **GOODELL**. Mr. Chairman, I offer an amendment.

The Clerk read the amendment, as follows:

Amendment offered by Mr. **GOODELL**: On page 44, line 24, after the word "ordinance" insert "or" and change the comma after the word "regulation" to a semicolon.

On page 45, strike out all of lines 1 and 2 and insert in lieu thereof the following: "or (2) is carried on under color of any custom or usage fostered, required or enforced by officials of the State or political subdivision thereof; "or (3) is fostered or required by action of a State or political subdivision thereof."